

### **REMARKS**

Claims 1-17 are pending. The independent claims 1, 10, and 16 (for a method, system, and user terminal respectively) are rejected as anticipated under 35 U.S.C. § 102(b) by *Donahue* (U.S. Patent No. 6,202,207).

The dependent claims are rejected on the same basis, except that dependent claims 2, 15, and 17 are rejected as obvious in further view of *Lauzon* (U.S. Patent No. 7,050,861), and claim 7 is instead rejected in further view of *Crawford* (U.S. Patent No. 7,080,051).

The present claim amendments are fully supported by the specification as originally filed, and introduce no new matter.

#### **Present Claim 1 is Fundamentally Different From Donohue**

The *Donohue* reference discloses that an updater component 20 is located at a user terminal and is associated with a computer program 30 (see *Donohue*'s FIG. 1). The updater component will execute at regular intervals (e.g. based upon a cycle period), or instead will execute in response to a request from another updater component 20 that is associated with another interoperating computer program 30 that requires joint updating. See col. 3, lines 5-13; col. 10, lines 15-22. When the updater executes, its first action is to search for available updates, using a search engine. See col. 10, lines 20-25.

Thus, it is apparent that *Donohue* is very different from the present claimed invention. The present invention relies upon a subscription for software updates, and thus present claim 1 discloses receiving notifications regarding updates as they become available. Present claim 1 claims that an update is newly available to subscribers when a notify message is received. All of this is very different from *Donohue*, wherein the update will only be found as a result of a search that is conducted periodically, or when another updater component requires joint updating for interoperability. *Donohue* does not disclose anything about a subscription. Clearly, the present

claimed subscription method will provide updates in a more timely and effortless manner than is described by *Donohue*.

**Present Claim 3 Has Further Fundamental Differences From *Donohue***

Present claim 3 discloses that update notifications are sent simultaneously to a plurality of user terminals. The Office Action states at page 3 that this is disclosed by *Donohue*'s "synchronizing updates." *Donohue* refers to synchronized updating of collaborative software products at a single location (e.g. see updaters 30 and 30' in FIG. 1). However, different user terminals will not employ collaborative software, and therefore *Donohue* does not suggest the simultaneity of present claim 3.

Moreover, present claim 3 specifically says that an initial notify message is sent "immediately after the standardized subscribe request is received." However, Applicant respectfully submits that there is no suggestion of a subscribe request in FIG. 4A or associated text. Subscribing to software updates is very different from periodically searching for software updates.

**Present Claim 10 Has Further Fundamental Differences From *Donohue***

Present claim 10 discloses that update notifications are sent simultaneously to a plurality other user terminals that have at least one application in common. *Donohue* does not teach or suggest anything about user terminals having an application in common. *Donohue* refers to synchronized updating of collaborative software, rather than identical software.

**Present Claim 16 Has Further Fundamental Differences From *Donohue***

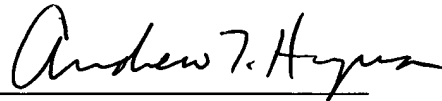
Present claim 16 discloses that a software update module requests an application profile from an application modules, and performs a comparison with one of the update notifications. The Office Action has not addressed this limitation of present claim 16, and Applicant respectfully submits this limitation is not present in the prior art.

**CONCLUSION**

It is earnestly requested that the rejections be withdrawn, and that the independent claims be allowed, together with the claims depending therefrom. Applicant respectfully requests that the Examiner please contact Applicant's attorney by telephone, if doing so might facilitate or expedite examination of the present application.

It is submitted that early passage of the present claims to issuance would be appropriate according to the relevant statutes and regulations, in view of the novel and useful invention claimed by the present application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Andrew T. Hyman", written over a horizontal line.

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